

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JEROME JONES,

Plaintiff,

v.

CCDC, *et al.*,

Defendants.

Case No. 2:24-cv-2076-RFB-BNW

**ORDER**

**I. INTRODUCTION**

*Pro se* Plaintiff Jerome Jones brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated. ECF No. 1-1. On June 17, 2025, this Court ordered Plaintiff to update his address by July 18, 2025. ECF No. 3. That deadline expired without an updated address from Plaintiff, and his mail from the Court is being returned as undeliverable. ECF No. 4. For the following reasons, the Court dismisses this action without prejudice due to Plaintiff's failure to update his address.

**II. DISCUSSION**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure to obey a court order or comply with local rules. See Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal

1 Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In  
2 determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the  
3 public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket;  
4 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on  
5 their merits; and (5) the availability of less drastic alternatives. See In re Phenylpropanolamine  
6 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone, 833 F.2d at 130).

7 The first two factors, the public's interest in expeditiously resolving this litigation and the  
8 Court's interest in managing its docket, weigh in favor of dismissal of Plaintiff's claims. The third  
9 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of  
10 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court  
11 or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth  
12 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by  
13 the factors favoring dismissal.

14 The fifth factor requires the Court to consider whether less drastic alternatives can be used  
15 to correct the party's failure that brought about the Court's need to consider dismissal. See Yourish  
16 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic  
17 alternatives *before* the party has disobeyed a court order does not satisfy this factor); accord  
18 Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every  
19 sanction short of dismissal before finally dismissing a case, but must explore possible and  
20 meaningful alternatives.” Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986).

21 Because this action cannot realistically proceed without the ability for the Court and the  
22 defendants to send Plaintiff case-related documents, filings, and orders, and litigation cannot  
23 progress without Plaintiff's compliance with the Court's orders, the only alternative to dismissal  
24 is to enter a second order setting another deadline. But without an updated address, the likelihood  
25 that the second order would even reach Plaintiff is low, so issuing a second order will only delay  
26 the inevitable and further squander the Court's finite resources. Setting another deadline is not a  
27 meaningful alternative given these circumstances. Thus, the fifth factor favors dismissal. Having  
28 thoroughly considered these dismissal factors, the Court finds that they weigh in favor of dismissal.

1                   **III. CONCLUSION**

2                   **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice**  
3 based on Plaintiff's failure to file an updated address in compliance with this Court's June 17,  
4 2025 Order.

5                   The Clerk of Court is instructed to close this case.

6                   **IT IS FURTHER ORDERED** that Plaintiff may move to reopen this case and vacate the  
7 judgment by filing a motion for reconsideration within 28 days of the entry of this Order. In this  
8 motion, Plaintiff would need to explain the circumstances which led to him not being able to update  
9 his address as directed by the Court. If the Court finds there is good cause or a reasonable  
10 explanation for the failure, the Court will reopen the case and vacate the judgment. Other than a  
11 motion for reconsideration as described, no other documents may be filed in this now-closed case.  
12 If Plaintiff wishes to pursue his claims, he must file a complaint in a new case and provide the  
13 Court with his current address.

14                   **IT IS FURTHER ORDERED** that Plaintiff's application to proceed *in forma pauperis*  
15 (ECF No. 1) is **DENIED** as moot.

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17                   **DATED:** July 24, 2025.

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21 **RICHARD F. BOULWARE, II**  
22 **UNITED STATES DISTRICT JUDGE**  
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